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Appendix 1:



PROBATION SERVICES STUDY COMMITTEE

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Committee
Tim Tyler, Attorney for the Committee

Authority: P.L. 131-1998

To: Members of the Probation Services Study Committee
From: Mark Goodpaster
Date: September 27, 2000
Re: An Overview of Probation Costs and User Fees

The following memo includes information on the statutory authorization to collect probation user fees, the number of offenders on probation, the reported costs of probation to the counties and city and town courts and the revenues collected and the differences in revenues and expenditures.

Statutory Authorization:

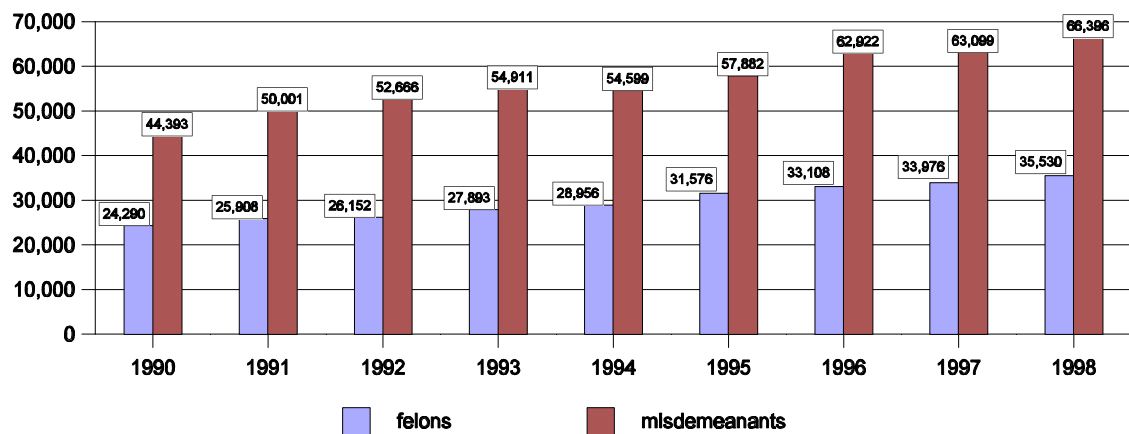
Under current law, the court is required to order a person on probation to pay an initial probation user fee of between \$25 and \$100 and a monthly fee of between \$5 and \$15. For delinquent children, a juvenile court may order an initial fee of between \$25 and \$50 and a monthly fee of between \$5 and \$15.

These fees have not changed since 1983 when they were authorized by PL 290.

Number of Offenders on Probation:

Exhibit 1 shows the number of felony and misdemeanor adult offenders on probation

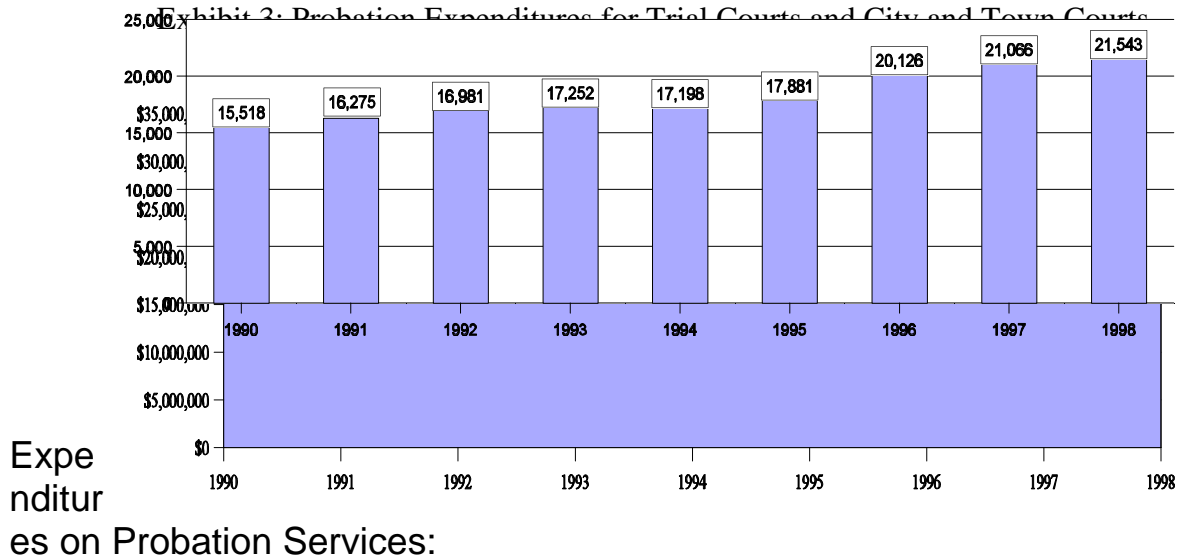
Exhibit 1: Adults on Probation between 1990 and 1998



and the number of juveniles who are on probation as well for the period between 1990 and 1998. Felons increased by 46% while misdemeanants increased by 50%. The relative proportion of felons to misdemeanants has remained relatively proportionate during this nine year period.

Exhibit 2 shows the number of juveniles who are on probation between 1990 and 1998. The number of juveniles on probation increased by 39% over this nine year period.

Exhibit 2: Juveniles on Probation Between 1990 and 1998.

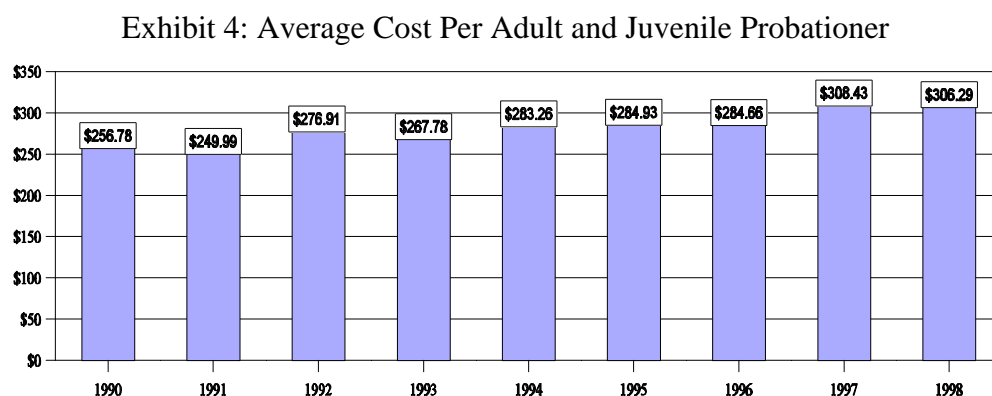


The Indiana Judicial Report includes the total reported costs of probation programs. Expenditures are reported for both adult and juvenile services and for probation programs administered by both trial courts and city and town courts. Costs of probation services administered by trial courts are financed in part by probation user fees and county general fund expenditures and some state and federal grants. Costs of probation services administered by city and town courts are financed by both user fees and the general fund of the cities and towns which operate city and town courts.

Exhibit 3 shows the expenditures reported for the period between 1990 and 1998. Exhibit 4 shows the average expenditure per offender over the same time period. Over this period, probation costs have increased by 75%.

Average Expenditure Per Probationer:

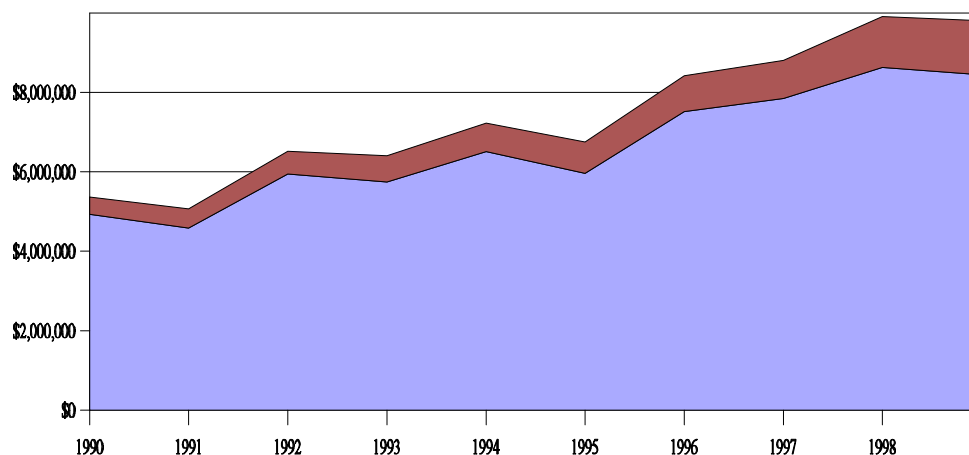
Exhibit 4 shows that the average expenditure per probationer has increased by 19% between 1990 and 1998. The average cost in 1990 was \$256 in 1990 and \$306 in 1998.



Adult and Juvenile Probation User Fee Revenues Collected:

Exhibit 5 shows the revenues that have been collected from both adult and juvenile user fees between 1990 and 1998. User fees increased by 84% over the nine year period, from \$5.3 million to \$9.8 million. Adult probation user fees increased by 75%, from \$4.9 million to \$8.6 million while juvenile probation user fees increased by 196% from \$431,00 to \$1.3 million.

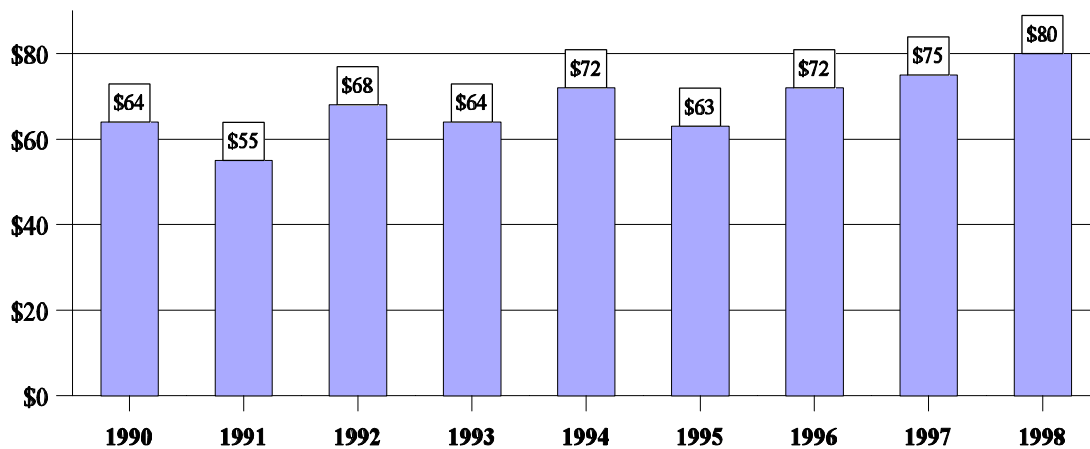
Exhibit 5: Adult and Juvenile Probation User Fees Collected Between 1990 and 1998



Average Probation User Fee Revenue Collected Per Probationer:

Exhibit 6 shows the average probation user fee revenue collected by both adult and juvenile probationers. Average revenue has increased from \$64 in 1990 to \$80 in 1998. Other monies are also collected from probationers as specified in statute.

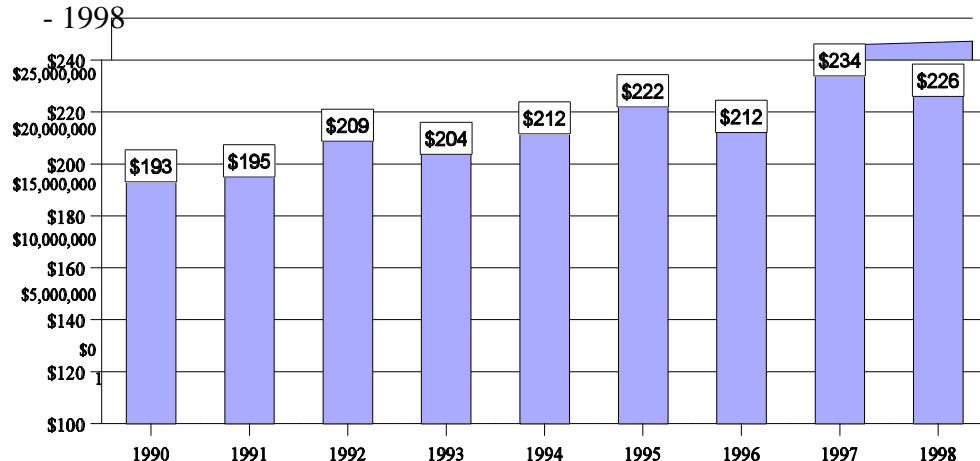
Exhibit 6: Average Revenue Collected By Probationer



Local Government Expenditures on Probation Programs in Excess of Probation User Fees:

Exhibits 7 and 8 show the local government expenditures for probation programs in excess of probation user fees and the average per probationer:

Exhibit 7: Local Government Expenditures in Excess of Probation User Fees for Probation Programs Administered By All Courts in Indiana, 1990 - 1998



Appendix A: Adult Probation Fees

IC 35-38-2-1

Year Enacted 1983; Year Amended 1996

Sec. 1. (a) Whenever it places a person on probation, the court shall:

(1) specify in the record the conditions of the probation; and
(2) advise the person that if the person violates a condition of probation during the probationary period, a petition to revoke probation may be filed before the earlier of the following:

(A) One (1) year after the termination of probation.

(B) Forty-five (45) days after the state receives notice of the violation.

(b) In addition, if the person was convicted of a felony and is placed on probation, the court shall order the person to pay to the probation department the user's fee prescribed under subsection (c). If the person was convicted of a misdemeanor, the court may order the person to pay the user's fee prescribed under subsection (d). The court may:

(1) modify the conditions (except a fee payment under subsection (c)); or

(2) terminate the probation;

at any time. If the person commits an additional crime, the court may revoke the probation.

(c) In addition to any other conditions of probation, the court shall order each person convicted of a felony to pay:

(1) not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) as an initial probation user's fee;

(2) a monthly probation user's fee of not less than five dollars (\$5) nor more than fifteen dollars (\$15) for each month that the person remains on probation;

(3) the costs of the laboratory test or series of tests to detect and confirm the presence of the human immunodeficiency virus (HIV) antigen or antibodies to the human immunodeficiency virus (HIV) if such tests are required by the court under section 2.3 of this chapter; and

(4) an alcohol abuse deterrent fee and a medical fee set by the court under IC 9-30-9-8, if the court has referred the defendant to an alcohol abuse deterrent program; to the probation department.

(d) In addition to any other conditions of probation, the court may order each person convicted of a misdemeanor to pay:

(1) not more than a fifty dollar (\$50) initial probation user's fee;

(2) not more than a ten dollar (\$10) monthly probation user's fee for each month that the person remains on probation; and

(3) the costs of the laboratory test or series of tests to detect and confirm the presence of the human immunodeficiency virus (HIV) antigen or antibodies to the human immunodeficiency virus (HIV) if such tests are required by the court under section 2.3 of this chapter;

to the probation department.

(e) All money collected by the probation department under this section shall be transferred to the county treasurer who shall deposit the money into the county supplemental adult probation services fund. The fiscal body of the county shall appropriate money from the county supplemental adult probation services fund to the county, superior, circuit, or

municipal court of the county that provides probation services to adults.

(f) All money collected by the probation department of a city or town court under this section shall be transferred to the fiscal officer of the city or town. The fiscal officer shall deposit the money into the local supplemental adult probation services fund. The fiscal body of the city or town shall appropriate money from the local supplemental adult probation services fund to the city or town court of the city or town for the court's use in providing probation services to adults or for the court's use for other purposes as may be appropriated by the fiscal body. Money may be appropriated under this subsection only to those city or town courts that have an adult probation services program. If a city or town court does not have such a program, the money collected by the probation department must be transferred and appropriated as provided under subsection (e).

(g) Except as provided in subsection (i), the county or local supplemental adult probation services fund may be used only to supplement probation services and to increase salaries for probation officers. A supplemental probation services fund may not be used to replace other funding of probation services. Any money remaining in the fund at the end of the year does not revert to any other fund but continues in the county or local supplemental adult probation services fund.

(h) A person placed on probation for more than one (1) crime may not be required to pay more than:

- (1) one (1) initial probation user's fee; and
 - (2) one (1) monthly probation user's fee per month;
- to the probation department.

(i) This subsection applies to a city or town located in a county having a population of more than one hundred fifty thousand (150,000) but less than one hundred sixty thousand (160,000). Any money remaining in the local supplemental adult probation services fund at the end of the local fiscal year may be appropriated by the city or town fiscal body to the city or town court for use by the court for purposes determined by the fiscal body.

As added by P.L.311-1983, SEC.3. Amended by P.L.182-1984, SEC.1; P.L.296-1985, SEC.2; P.L.178-1986, SEC.2; P.L.305-1987, SEC.36; P.L.123-1988, SEC.28; P.L.67-1990, SEC.10; P.L.1-1991, SEC.196; P.L.18-1995, SEC.112; P.L.216-1996, SEC.14; P.L.117-1996, SEC.4; P.L.117-1996, SEC.6.

Appendix B: Juvenile Probation Fees:

Chapter 2. Probation User's Fee; County Supplemental Juvenile Probation Services Fund
31-40-2-1

Year Enacted 1997; Year Amended 1997

Sec. 1. (a) ***Subject to IC 31-40-1-3, a juvenile court may order each delinquent child who receives supervision under IC 31-37-19 or the child's parent, guardian, or custodian to pay to the probation department:***

(1) an initial probation user's fee of at least twenty-five dollars (\$25) but not more than one hundred dollars (\$100); and

(2) a probation user's fee of at least five dollars (\$5) but not more than fifteen dollars (\$15) for each month the child receives supervision.

(b) The probation department shall deposit the probation user's fees paid under subsection (a) into the county supplemental juvenile probation services fund.

As added by P.L.1-1997, SEC.23.

31-40-2-2

Year Enacted 1997; Year Amended 1997

Sec. 2. (a) The fiscal body of the county shall appropriate money from the county supplemental juvenile probation services fund to the juvenile courts of the county for the use by the courts in supplementing probation services to juveniles.

(b) Money in the county supplemental juvenile probation services fund may be used only for supplementing probation services and for salary increases for probation officers in accordance with IC 31-31-5.

As added by P.L.1-1997, SEC.23.

31-40-2-3

Year Enacted 1997; Year Amended 1997

Sec. 3. Money remaining in the county supplemental juvenile probation services fund at the end of the county's fiscal year does not revert to any other fund but continues in the county supplemental juvenile probation services fund.

As added by P.L.1-1997, SEC.23.

31-40-2-4

Year Enacted 1997; Year Amended 1997

Sec. 4. The county supplemental juvenile probation services fund may not be used to replace other funding or probation services.

As added by P.L.1-1997, SEC.23.

Appendix C: Number of Persons on Probation in Indiana Between 1990 and 1998:

	1990	1991	1992	1993	1994	1995	1996	1997	1998
felons	24,290	25,908	26,152	27,893	28,956	31,576	33,108	33,976	35,530
misdemeanants	44,393	50,001	52,666	54,911	54,599	57,882	62,922	63,099	66,396
total adult probationers	68,683	75,909	78,818	82,804	83,555	89,458	96,030	97,075	101,926
juveniles	15,518	16,275	16,981	17,252	17,198	17,881	20,126	21,066	21,543
total probationers	84,201	92,184	95,799	100,056	100,753	107,339	116,156	118,141	123,469

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Appendix 2



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Tim Tyler, Attorney for the Committee

Authority: P.L. 131-1998

To: Members of the Probation Services Study Committee
From: Mark Goodpaster
Date: September 26, 2000
Re: Salaries of Probation Officers

This memo provides information on the number of chief probation officers and line officers by type of court and their reported average salaries for the period between 1990 and 1998.

Chief Probation Officers:

Exhibit 1 shows the number of chief probation officers by type of court between 1990 and 1998.

Exhibit 1: Number of Chief Probation Officers By Type of Court

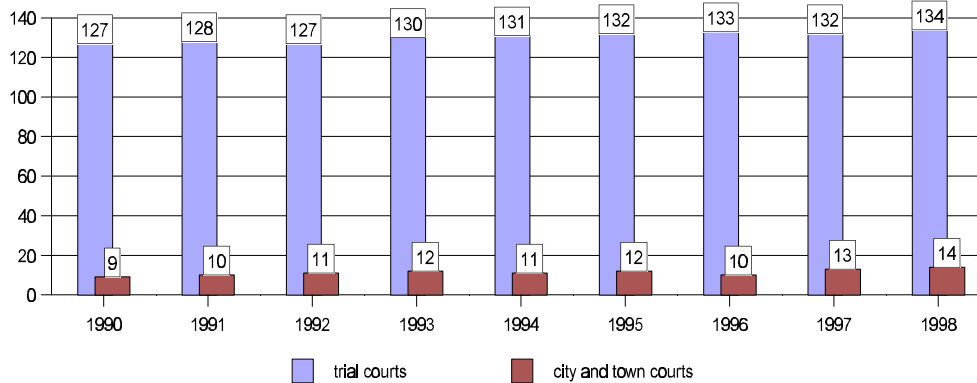
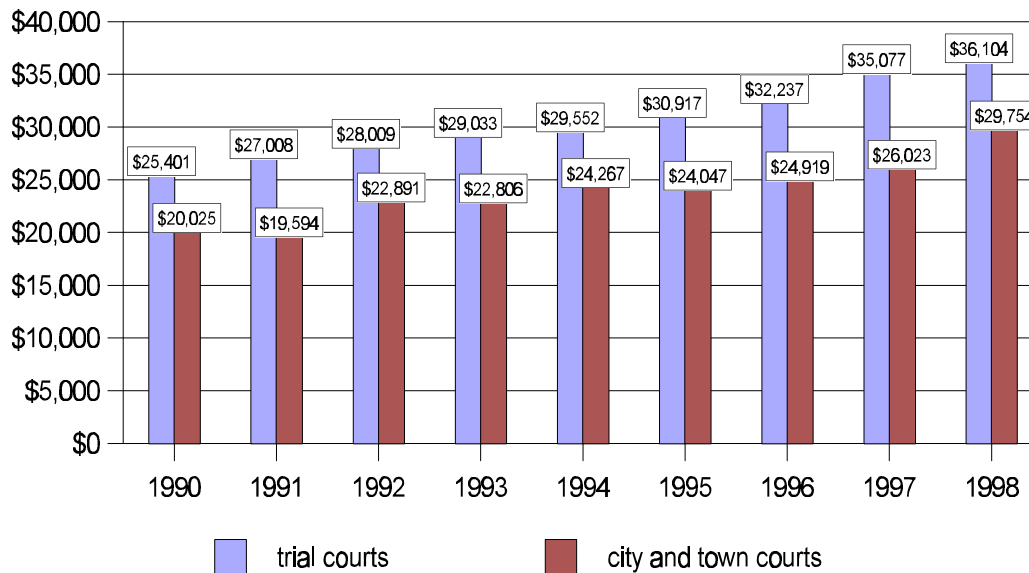


Exhibit 2 shows the average salary expenditures that are reported in the Probation Report for the years between 1990 and 1998.

Exhibit 2: Average Salary Expenditures for Chief Probation Officers



Probation Officers:

Exhibit 3 shows the number of probation officers by type of court.

Exhibit 3: Line Probation Officers by Type of Court

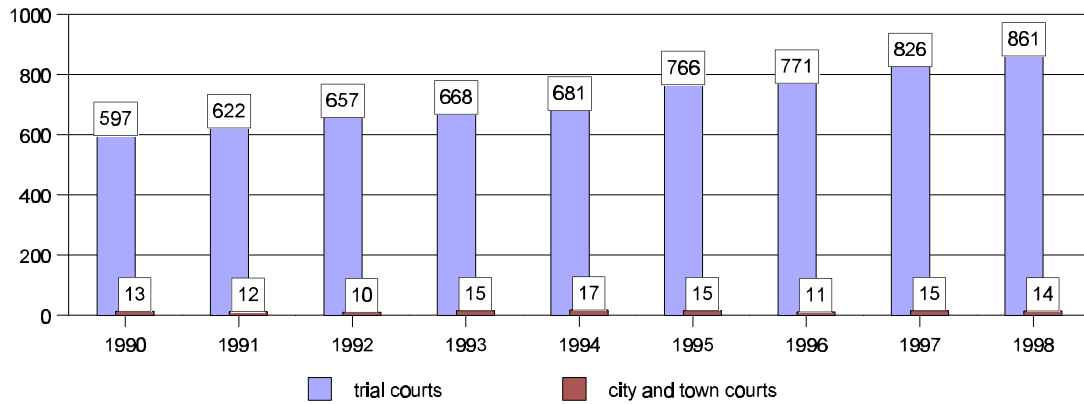


Exhibit 4: Average Salary Expenditures For Probation Officers by Type of Court

